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House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 4, 2002, at 2 p.m.

Senate

WEDNESDAY, JULY 31, 2002

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Source of strength for those who seek to serve You, we praise You for that second wind of Your power that comes when we feel pressure or stress. You have promised that, "As your days so shall your strength be." Well, Lord, You know what these days are like before the August recess. The Senators and all who work with them feel the pressure of the work and the little time to accomplish it. In days like these, stress mounts and our reserves are drained. Physical tiredness can invade our effectiveness and relationships can be strained. In this quiet moment, we open ourselves to the infilling of Your strength. We admit our dependence on You, submit to Your guidance, and commit our work to You. Give us that healing assurance that You will provide strength to do what You guide and that there will always be enough time in any one day to do what You have planned for us to do. In Your all-powerful name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will immediately resume consideration of S. 812, the generic drug bill. Under an order entered yesterday evening, there will be up to 90 minutes of debate on the motion to waive the Budget Act with respect to the Graham and Smith of Oregon prescription drug amendment. A vote on that motion to waive is expected to occur around 11 o'clock this morning.

If the motion to waive is not successful, the Senate will immediately act on the Dorgan amendment, as amended, and then go directly to a cloture vote on the underlying bill. Should cloture be invoked on S. 812, then a vote on final passage will occur immediately. Following disposition of the generic drug bill, the Senate will vote on confirming the nomination of D. Brooks Smith to be U.S. Circuit Judge. Debate on that was completed last night.

The succeeding votes in this series will be 10 minutes, and there will be up to 2 minutes of discussion time available between each vote, except that prior to the Smith vote there will be 2½ minutes on each side.

The Senate is expected to begin consideration of the Defense appropriations bill following the vote on Judge Smith. It is anticipated we will finish the Defense bill tonight.

Therefore, Senators should be prepared to remain on the floor following the first vote today so that the succeeding votes can be expedited. Senators should expect rollcall votes occurring around 11 a.m. and into the evening.

It should be a very busy day. Even if we complete this schedule, which I am confident we will do, we still have a lot of work to do before we take our August break.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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GREATER ACCESS TO AFFORDABLE PHARMACEUTICALS ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 812, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 812) to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

Pending:

Reid (for Dorgan) amendment No. 4299, to permit commercial importation of prescription drugs from Canada.

Graham amendment No. 4345 (to amendment No. 4299), to amend title XVIII of the Social Security Act to provide protection for all Medicare beneficiaries against the cost of prescription drugs.

AMENDMENT NO. 4345

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 90 minutes for debate, equally divided, on the motion to waive the Budget Act with respect to the Graham amendment No. 4345.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I yield myself 8 minutes.

The history of the American people is one of a never-ending journey toward the goal of a more perfect Union. Americans believe in the ideal of equal opportunity so that individuals can achieve their fullest potential. We also believe that we are members of a great national family which seeks to protect all of its members. We understand that if one of us is hurting, all of us are hurting.

In this quest for a more perfect Union, we have encountered and overcome obstacle after obstacle. At the turn of the last century, we passed antitrust laws to begin the long process of controlling corporate abuse and asserting that the public interest must take precedence over the selfish interests of wealthy corporations.

We passed minimum wage laws to assert that a worker's right to a living wage took precedence over business rights to maximize profits.

We passed the Social Security Act and the Medicare Act to guarantee a secure and dignified retirement to every American who works hard and pays into the system.

Just 2 weeks ago, we passed landmark legislation to curb the modern-day robber barons whose dishonesty and greed have done so much to damage our economy and to defraud so many workers and investors of their hard-earned savings.

Today, Americans face a crisis in health care. The miracle medicines that can save and prolong life more and more are beyond the reach of average Americans. The prescription drugs we need to stay healthy and alive are just too expensive, and their costs go up and up with each passing day.

For the last week, we have been grappling with two more obstacles to a more perfect Union and a better life for all of our people: The exploding costs of

prescription drugs and the failure of Medicare to cover those costs. The rapid rise in the cost of drugs burdens families, businesses, and patients, and our economy.

For the last 6 years, prescription drug costs have been escalating at double-digit rates: 10 percent in 1996, 14 percent in 1997, 15 percent in 1998, 16 percent in 1999, 17 percent in 2000 and 2001.

It is unacceptable when older Americans struggle to afford their heart medicines and diabetes medicines. It is reprehensible when hard-working families are impoverished trying to pay for the drugs that keep their children in the classroom and out of the hospital, but it is intolerable when much of their burden has been created by the wealthiest corporations in America, the brand-name drug companies, deploying an army of lawyers, lobbyists, and campaign contributions to exploit and maintain loopholes in the law to block competition and unfairly boost prices.

Today, the Senate is on trial. We will vote on whether to end those abuses, and just as the Senate has voted resoundingly to close accounting loopholes abused by Enron and WorldCom, we must also close the loopholes in our drug patent laws that are exploited by big drug companies and are hurting patients each and every day.

Ending the abuses of the law that have contributed to escalating drug prices will help every family. But the most important step we can take in this Congress towards the goal of a more perfect Union is to act at long last to provide prescription drug coverage under Medicare.

Last week, the Senate failed to fulfill its responsibility to senior citizens and their families. This week, we have the opportunity and the obligation to do better and to provide a downpayment on our commitment to provide a prescription drug benefit in the Medicare Program.

Medicare is a solemn promise between our Government and our citizens. It says: Play by the rules, contribute to the system during your working years, and you will be guaranteed health security in your retirement years. Because of Medicare, the elderly have long had insurance for their hospital bills and doctor bills. But the promise of health security at the core of Medicare is broken every single day because Medicare does not cover the soaring price of prescription drugs. We can no longer ignore the sad fact that too many senior citizens are living in pain because they cannot afford prescription drugs.

Too many elderly citizens must choose between food on the table and the medicine their doctors prescribe. Too many elderly are taking half the drugs their doctors prescribe or none at all because they cannot afford them.

Senior citizens built our country. They fought in our wars. They created our economic growth and prosperity.

They worked hard. They supported their families. They played by the rules. And they stood up for America. Now is the time for America to stand up for them.

Last week, a majority of the Senate voted for the Graham-Miller-Kennedy amendment, a comprehensive program to provide prescription drug coverage under Medicare and mend its broken promise. A minority stood against the seniors and with powerful special interests, but under the rules of the Senate that minority was able to block action. Just as the Republican Party opposed the creation of the Medicare Program in 1965, it opposed the enactment of a comprehensive Medicare prescription drug benefit today.

The Senate is once again confronted with a choice: Is our priority prescription drugs for the elderly or more tax breaks for the wealthy? Will we give senior citizens the same loyalty that they gave our country or will we continue to offer an open hand to the powerful special interests and the back of our hand to the elderly and their families?

Over the coming years, Americans will spend \$1.8 trillion on prescription drugs. So far, our Republican colleagues have said no to amendments that would cover only a third of those costs. Yet under the Senate health plan, Senators have 75 percent of their prescription drugs covered. How many of us are willing to face our constituents when we go home in August knowing we have secure coverage for 75 percent of our drug coverage but we reject proposals that do even less for our fellow citizens?

The Graham-Smith amendment is a bipartisan compromise. It is not the comprehensive program that I want or that a majority of the Senate wants, but it is an important downpayment on the kind of program senior citizens need and deserve. Under this proposal, every senior citizen will receive assistance and those with the greatest need will receive the most help.

I ask that during the quorum call, the time be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. I yield 4 minutes to the Senator from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. GRAHAM. Madam President, I have a somewhat longer statement I will deliver later, but at this point I